



Maricopa County

Environmental Services Department

Environmental Health Division
Variance/HACCP Program Coordinator
1001 N. Central Ave., Suite 300
Phoenix, Arizona 85004-1937
Phone: (602) 506-6972
Fax: (602) 506-6862

Request for Variance / Exemption

Instruction Sheet

1. All requests for a variance must be received and approved prior to initiating any process that requires a variance to be issued.
2. All requests will preferably be typewritten in at least a 12 pt. Font and be double-spaced.
3. All requests for a variance must have the following information contained in them:
 - a. Name of Establishment.
 - b. Address of Establishment.
 - c. Establishment Permit Number.
 - d. The name of a contact person.
 - e. A phone number for the contact person.
 - f. The name of the variance that is being requested.
 - g. A listing of all relevant code sections that would be affected by the issuance of a variance.*
 - h. An analysis of what hazards/nuisances may be created by the issuance of this variance and how these hazards/nuisances will be abated.
 - i. Copies of any written procedures that have been created to aid in the abatement of any hazards/nuisances.
 - j. Copies of any sample forms that will be used.
 - k. Any supporting documentation that can aid in the review of the request for a variance
 - l. A HACCP plan if required.
 - m. If submitting for a Bare Hand Contact Exemption the addition application must also be filled out.
 - n. If submitting for an outdoor cooking variance the additional applications and plans must be submitted to the plan review department.
4. The completed application, processing fee and other documentation must be sent or delivered to:

Maricopa County Environmental Services Department
ATTN: Business Services
1001 N. Central Ave., Suite 100
Phoenix, AZ 85004-1937

5. Failure to include any of the aforementioned documentation or the processing fee may lead to immediate denial for the request for variance. Please ensure that all required information is provided and the application is as complete as possible. During the review process Maricopa County may require more information to completely understand the scope and potential hazards of the variance request. Maricopa County reserves the right to terminate the review process if timely requests for more information are not met. If there are any questions or difficulties with the application please contact the Variance/HACCP Coordinator at (602) 506-6972.

***All request for Variance are covered under MCEHC Chapter VIII, Section 2, Regulation 1, Subsections 8-201.11 and 8-201.12. The entire Maricopa County Environmental Health Code can be found at:**
<http://www.maricopa.gov/envsvc/envhlth.asp>

Supporting Maricopa County Environmental Health Code Sections

3-502.11 Variance Requirement.*

A food establishment shall obtain a variance from the regulatory authority as specified in § 8-103.10 and under § 8-103.11 before smoking food as a method of food preservation rather than as a method of flavor enhancement; curing food; brewing alcoholic beverages; using food additives or adding components such as vinegar as a method of food preservation rather than as a method of flavor enhancement or to render a food so that it is not potentially hazardous; packaging food using a reduced oxygen packaging method *except as specified under § 3-502.12 where a barrier to **Clostridium botulinum** in addition to refrigeration exists*; or preparing food by another method that is determined by the regulatory authority to require a variance.

8-103.11 Documentation of Proposed Variance and Justification.

Before a variance from a requirement of this Code is approved, the information that shall be provided by the person requesting the variance and retained in the Department's file on the food establishment includes:

- (A) A statement of the proposed variance of the Code requirement citing relevant Code section numbers;
- (B) An analysis of the rationale for how the potential public health hazards and nuisances addressed by the relevant Code sections will be alternatively addressed by the proposal; and
- (C) A HACCP plan if required as specified under ¶ 8-201.13(A) that includes the information specified under § 8-201.14 as it is relevant to the variance requested.

8-201.13 When a HACCP Plan is Required.

- (A) Before engaging in an activity that requires a HACCP plan, a permit applicant or permit holder shall submit to the Department for approval a properly prepared HACCP plan as specified under § 8-201.14 and the relevant provisions of this Code if:
 - (1) Submission of a HACCP plan is required according to law;
 - (2) A variance is required as specified under § 3-502.11, ¶ 4-204.110(B), or Subparagraphs 3-203.12(B)(2)(b) or 3-401.11(D)(3); or
 - (3) The regulatory authority determines that a food preparation or processing method requires a variance based on a plan submittal specified under § 8-201.12, an inspectional finding, or a variance request.

8-201.14 Contents of a HACCP Plan.

For a food establishment that is required under § 8-201.13 to have a HACCP plan, the plan and specifications shall indicate:

- (A) A categorization of the types of potentially hazardous foods that are specified in the menu such as soups and sauces, salads, and bulk, solid foods such as meat roasts, or of other foods that are specified by the Department;
- (B) A flow diagram by specific food or category type identifying critical control points and providing information on the following:
 - (1) Ingredients, materials, and equipment used in the preparation of that food, and
 - (2) Formulations or recipes that delineate methods and procedural control measures that address the food safety concerns involved;
- (C) Food employee and supervisory training plan that addresses the food safety issues of concern;
- (D) A statement of standard operating procedures for the plan under consideration including clearly identifying:
 - (1) Each critical control point,
 - (2) The critical limits for each critical control point,
 - (3) The method and frequency for monitoring and controlling each critical control point by the food employee designated by the person in charge,
 - (4) The method and frequency for the person in charge to routinely verify that the food employee is following standard operating procedures and monitoring critical control points,
 - (5) Action to be taken by the person in charge if the critical limits for each critical control point are not met, and
 - (6) Records to be maintained by the person in charge to demonstrate that the HACCP plan is properly operated and managed; and

(E) Additional scientific data or other information, as required by the Department, supporting the determination that food safety is not compromised by the proposal.